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Appl. No. 09/760,321
 Amdt. dated July 6, 2005
 Reply to Office Action of April 6, 2005

AFTER FINAL EXPEDITED PROCEDURE

REMARKS

Claims 4, 6, 11 to 14, 18, 19, and 21 to 28 were pending in the application at the time of examination. Claims 6, 12 to 14, 18, 19, 21 and 22 stand rejected as anticipated. Claims 4 and 11 stand rejected as obvious. Claims 23 to 28 stand withdrawn.

Applicant has cancelled Claims 23 to 28, as required in the final office action. Accordingly, entry of the amendments is proper under Rule 116.

Claims 6, 12 to 14, 18, 19, 21 and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by "COM/COBRA Interworking" by Digital Equipment Corporation.

With respect to the anticipation rejection of Claim 6, the Examiner cited to the surrogate server and in particular a surrogate COM object on the surrogate server.

Applicant respectfully traverses the anticipation rejection of Claim 6. Applicant notes that in Fig. 3-2 of the reference, an interface proxy is shown as separate and distinct from the surrogate server. Thus, the rejection itself, which relies upon the surrogate server and not the proxy interface in the reference, shows that the reference teaches other than the interface proxy performs the cited operations, assuming that the cited operations were correct. The figure shows a difference between the interface proxy and the surrogate COM object relied upon in the rejection.

Claim 6 recites in part:

converting said method call by said proxy interface to a corresponding method call for execution in said second execution environment, wherein said converting said method call further comprises:

using a type description to convert parameters from said first execution environment

GUNNISON, McKay &
 HODGSON, L.L.P.
 Oneida West Office Plaza
 1900 Garden Road, Suite 220
 Monterey, CA 93940
 (831) 655-0810
 Fax (831) 655-0888

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to said second execution environment. (Emphasis added.)

Thus, the reference teaches away from Applicant's invention as recited in Claim 6. Applicant requests reconsideration and withdrawal of the anticipation rejection of Claim 6.

Claim 12 includes the same limitation as discussed above with respect to Claim 6. Therefore, the above remarks with respect to Claim 6 are incorporated herein by reference. Applicant requests reconsideration and withdrawal of the anticipation rejection of Claim 12.

Claims 13 and 14 depend from Claim 12 and so distinguish over the cited reference for at least the same reasons as Claim 12. Applicant requests reconsideration and withdrawal of the anticipation rejection of each of Claims 13 and 14.

Claim 18 includes the same limitation as discussed above with respect to Claim 6. Therefore, the above remarks with respect to Claim 6 are incorporated herein by reference. Applicant requests reconsideration and withdrawal of the anticipation rejection of Claim 18.

Claims 19, 21, and 22 depend from Claim 18 and so distinguish over Claim 18 for at least the same reasons as Claim 18. Applicant requests reconsideration and withdrawal of the anticipation rejection of each of Claims 19, 21, and 22.

Claim 11 stands rejected as obvious. However, assuming the combination of information is correct, the additional information does not overcome the deficiency of the primary reference as noted above with respect to Claim 6 and incorporated herein by reference. Applicant requests reconsideration and withdrawal of the obviousness rejection of Claim 11.

Claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over "COM/COBRA Interworking" by DEC1 in view of "COM-COBRA Interworking RFP Part A" by DEC2.

GUNNISON, MCKAY &
HODGSON, L.L.P.
Garden Walk Office Plaza
1900 Garden Road, Suite 220
Menlo Park, CA 94025
(811) 655-0880
Fax (811) 655-0888

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Applicant respectfully traverses the obviousness rejection of Claim 4. Applicant respectfully notes that the rejection uses information in the secondary reference to modify the teachings of the primary reference. However, both the primary and secondary references are responses to the same RFP and describe alternative ways to achieve the requirements of the OMG RFP.

The rejection has failed to establish any basis for using the high level teaching of the secondary reference to modify the lower level description of the operation of the surrogate server of the primary reference. In particular, the two approaches are aimed at the same objective, satisfying the RFP. Thus, those of skill would not look to one reference for ways to modify the other, but rather would look at the two descriptions as two different ways to achieve the same result. A conclusory statement about combining the references fails to consider how those of skill in the art would view the two documents. In particular, the rejection has failed to establish why given this understanding there would be any reason to even modify the primary reference. Thus, Applicant respectfully submits that the combination of references is not well founded at multiple levels.

In addition, Applicant notes that while the Examiner is permitted to interpret claim limitations broadly, the MPEP puts specific bounds on such an interpretation. Specifically,

CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

During patent examination, the pending claims must be "given *>their< broadest reasonable interpretation consistent with the specification."

MPEP § 2111 8th Ed. Rev. 2, p 2100-46 (May 2004).

GUNNISON, MCKAY &
HODGSON, LLP
Garden West Office Plaza
1900 Garden Road, Suite 220
Menlo Park, CA 94025
(650) 655-0880
Fax (650) 655-0888

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The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.

MPEP § 2111 8th Ed. Rev. 2, p 2100-47 (May 2004).

**>Claim terms are presumed to have the ordinary and customary meanings attributed to them by those of ordinary skill in the art.

MPEP § 2111.01, II., 8th Ed. Rev. 2, p 2100-48 (May 2004).

In particular, the fact that a server is written in a particular computer program language fails to teach "generating a binary specification" for a particular execution environment, as recited in Claim 4. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of Claim 4.

Claims 4, 6, 11, 12 to 14, 18 to 19, 21 and 22 remain in the application. Claims 23 to 28 are cancelled. Claims 1 to 3, 5, 7 to 10, 15 to 17, and 20 were canceled previously. For the foregoing reasons, Applicant respectfully requests allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. (703) 872-9306, on July 6, 2005.

Respectfully submitted,

Rivkah Young
 Rivkah Young

July 6, 2005
 Date of Signature

[Signature]
 Forrest Gunnison
 Attorney for Applicant(s)
 Reg. No. 32,899